

Ordinance # 119

Tulalip Tribes Per Capita Distribution Policy

Effective Date: May 17, 2002

This Per Capita Distribution Policy ("Policy") has been adopted by the Tulalip Board of Directors in order to provide a more certain, timely, and uniform distribution of Tribal per capita pursuant to Tribal Constitution Article VI, Section 1(t) and Tribal Ordinance No. 119. This Policy shall be effective as of the date stated above and remain in effect until amended in writing by the Tribal Board of Directors. It is foreseeable that modifications may need to be made to this Policy should either per capita distributions be made from IGRA Class II or Class II gaming revenues or amendment Tribal Constitution Article VI, Section 1 (t) occur.

A. Restrictions on Disbursement

- Distributions shall only be made at the time(s) and amount(s) set by the Tribal Board of Directors.
- Distributions shall only be made to or for the benefit of Tribal Members.
- No check shall be distributed to or for the benefit of any Tribal Member dually enrolled or in any stage of disenrollment proceedings under and pursuant to Tribal Ordinance No. 63 (Dual Enrollment) or disenrollment under Tribal Ordinance No. 94B, as amended (Enrollment) until direction to do so by the Tribal Board of Directors.
- If the Enrollment Department cannot make a reasonable determination under this Policy regarding who is entitled to a check, it shall not distribute the check and shall request the Tribal Court for a determination pursuant to Tribal Ordinance No. 119.
- There shall be no distribution of checks prior to the date of distribution set by the Tribal Board of Directors.
- No distribution of checks shall occur sooner than the second business day of the week.
- All Tribal Members picking up a check must show a valid and current Tribal ID card. All other persons must show a picture ID issued by a governmental agency.
- Any distribution pursuant to a court or administrative order shall require a certified copy of such order be on file with the Enrollment Department.
- All addresses and address changes must be in writing and filed with the Enrollment Department.

- Only persons enrolled as a member of the Tulalip Tribes prior to distribution date of the per capita payment shall be eligible to receive the per capita payment. Tribal members shall only be eligible to receive per capita payments prospectively from the effective date of their enrollment forward, and shall not be eligible to retroactively receive per capita payments distributed by the Tribes at any time prior to the effective date on their enrollment, regardless of whether such prior per capita payment was made during the same year as the effective date of their enrollment.

B. Procedures Prior to Distribution

- The Tribal Board of Directors has passed a resolution declaring the date(s) and amount(s) for distribution.
- The Tribal Court Clerk shall provide the Enrollment Department all Trial Court custody orders and guardianships and modifications affecting Tribal Members thereto seven (7) business days prior to the first day of the of distribution.
- Beda? Chelh shall provide the Enrollment Department a complete list from its records, and any state and federal proceedings of which it is reasonably aware, all trust, removal, dependency, deprivations, custody orders, and other determinations affecting parental rights and regarding Tribal Member minors seven (7) minors business days prior to the first day of distribution.
- The Enrollment Department shall verify the name, address, loan holds, encumbrances, court and administrative orders, guardianships, trusts, additions/deletions, from the Tribal Rolls for all checks seven (7) business days prior to the first day of distribution.
- The Finance Department shall not issue any checks prior to three (3) business days of the first day of distribution. The Finance Department shall issue the checks in conformity with the Tribal Roll delivered it by the Enrollment Department and this Policy.

C. Distribution by Category

Actual distribution to Tribal Members of their per capita shall be by Tribal check made to those persons in the time, method and manner set forth below. The Enrollment Department shall conform to this Policy in the distribution of per capita checks ("checks") for each Tribal Member in accordance with the Category that the Enrollment Department determines most reasonably describes the distribution method for the Tribal Member.

CATEGORY 1 **Tribal Members 18 Years Of Age And Older.**

- A check payable to the Tribal Member may be picked up by the Tribal Member in person within two days of its receipt by the Enrollment Department between the

hours of 9:00 a.m. and 6:00 p.m.

- Another person other than the Tribal Member may pick up the Tribal Member's check only if the Tribal Member has delivered to the Enrollment Department prior to the Enrollment Department's receipt of the check a written, notarized statement designating a person 18 years of age or older to do so.
- Checks may be mailed to the Tribal Member upon receipt of the check, but no sooner than the first day of distribution, by the Enrollment Department only if prior to the Enrollment Department's receipt of the check the Tribal Member has requested in writing that it be mailed. Further, any check not picked up within two (2) days after its receipt by the Enrollment Department shall be mailed. All mailings of checks must be to the last address of record with the Enrollment Department.

CATEGORY 2

Tribal Members 14 Years Of Age And Less Than 18 Years Of Age

- Distribution of the Tribal Member's check shall be in conformity with Category 1; except that a check may only be picked up in person by such ones between the hours of 3:00 p.m. to 6:00 p.m.

CATEGORY 3

Tribal Members Less Than 14 Years Of Age With Living Parent(s)

- Distribution of a Tribal Member's check shall be to the Tribal Member's parent(s) in accordance with the following priority of entitlement:
 - (i) If the Tribal Member has two (2) Tribal Member parents of 18 years of age and older; the check shall be made payable to the parents ("either/or") for the benefit of the Tribal Member.
 - (ii) If the Tribal Member has only one Tribal Member parent 18 years of age or older, or two Tribal Member parents of which only one is 18 years of age or older, then the check shall be made payable to the Tribal Member parent 18 years of age and older for the benefit of the Tribal Member.
 - (iii) If the Tribal Member has no Tribal Member parent or no Tribal Member parent 18 years of age or older, then the check shall only be distributed for the benefit of the Tribal Member pursuant to a court or administrative order.
- The Tribal Member's check may be physically picked up or mailed to the person entitled to receive the check in conformity with Category 1 procedures above.

CATEGORY 4

Tribal Member Less Than 14 Years Of Age With No Living Parent

- The Tribal Member's check shall only be distributed pursuant to a court or administrative order.

CATEGORY 5

Tribal Members with a Court or Administrative Order Affecting Distribution of Checks

- Distribution of checks for Tribal Members subject to a court or administrative order shall be in compliance with that order.

Legislative History

Adopted by Reso. #2002-002177, Laws of May 31, 2002, Approved June 5, 2002 by the U.S. Secretary of the Interior

Amended by Reso. #2004-04029, Laws of February 6, 2004, Approved February 12, 2004 by the U.S. Secretary of the Interior

Related Laws